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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/072,886	02/12/2002	Feng-Hui Lin	0941-0405P	3557
2292	7590	09/06/2005	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			ISMAIL, SHAWKI SAIF	

ART UNIT	PAPER NUMBER
2155	

DATE MAILED: 09/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/072,886	LIN, FENG-HUI
	Examiner	Art Unit
	Shawki S. Ismail	2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 22 June 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1 and 4-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1 and 4-16 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_

**RESPONSE TO AMENDMENT**

1. This communication is responsive to the amendment received on June 22, 2005. Claim 1 has been amended. Claims 2-3 have been cancelled. Claims 1, and 4-16 are pending.

**The old Rejection is Maintained**

2. The rejection is respectfully maintained as set forth in the last Office Action mailed on March 10, 2005. Applicants' arguments with respect to claims 1, and 4-16 have been fully considered but they are deemed to be moot and old rejection is maintained.

**Claim Rejections - 35 USC §102**

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claims 1-16, are rejected under 35 U.S.C. 102(e) as being anticipated by **Barchi** U.S. Patent No. **6,507,866**.

5. As to claim 1, Barchi multi-stage email interception method, comprising the steps of:

receiving an email message (see Fig. 1, col. 5, lines 59-62);

querying the receiving number corresponding to the email message from an array according to the related information of the email message (Fig. 1, col. 5, lines 44-54);

rejecting the email message if the receiving number is higher than a first setting value and the email conforms to the email characteristics recorded in a specific email record (col. 6, lines 38-53);

recording the email characteristics corresponding to the email message into the specific email record if the receiving number is higher than the second setting value and the email address of the recipient of the email message does not appear in the recipient field of the email message (col. 10, lines 17-26).

accepting the email message first and then deleting the email message if the receiving number is higher than a second setting value and the email address of the recipient of the email message does not appear in the recipient field of the email message (col. 8, lines 33-67).

accepting and forwarding the email message to a specific mailbox if the receiving number is higher than a third setting value and the email address of the recipient of the email message does not appear in the recipient field of the email message (col. 6, lines 26-37).

6. As to claim 4, Barchi teaches the method as claimed in claim 1 further recording the related information of the email message into the array (col. 6, lines 26-37).

7. As to claim 5, Barchi teaches the method as claimed in claim 1 wherein the array is a first-in-first-out array (see Fig. 2).

8. As to claim 6, Barchi teaches the method as claimed in claim 1 wherein the related information comprises the subject of the email message (col. 2, lines 14-24).
9. As to claim 7, Barchi teaches the method as claimed in claim 1 wherein the related information comprises the text information of the email message (col. 2, lines 14-24).
10. As to claim 8, Barchi teaches the method as claimed in claim 1 wherein the email characteristics comprise the network address of the host sending the email message (col. 1, lines 42-55).
11. As to claim 9, Barchi teaches the method as claimed in claim 1 wherein the email characteristics comprise the sender information (col. 1, lines 42-55).
12. As to claim 10, Barchi teaches the method as claimed in claim 9 wherein the sender information comprise the name of the sender (col. 1, lines 42-55).
13. As to claim 11, Barchi teaches the method as claimed in claim 9 wherein the sender information comprise the email address of the sender (col. 1, lines 42-55).
14. As to claim 12, Barchi teaches the method as claimed in claim 1 wherein the email characteristics comprise the subject (col. 2, lines 14-24).
15. As to claim 13, Barchi teaches the method as claimed in claim 1 wherein the recipient field comprises the field of direct recipients (col. 2, lines 14-24).
16. As to claim 14, Barchi teaches the method as claimed in claim 1 wherein the recipient field comprises the field of copy recipients (col. 2, lines 14-24).
17. As to claim 15, Barchi teaches the method as claimed in claim 1 wherein the recipient field comprises the field of hidden copy recipients (col. 2, lines 14-24).

18. As to claim 16, Barchi teaches the method as claimed in claim 1 wherein the first setting value is larger than the second setting value, and the second setting value is larger than the third setting value (col. 6, lines 38-53).

### **Response to amendment**

19. Applicant's arguments filed have been fully considered but they are not persuasive.

In the remarks, the applicant argues in substance that Barchi does not teach all the limitations of claim 1.

Barchi teaches a method and apparatus for identifying undesired e-mail messages by receiving e-mail messages, storing fields, and analyzing the stored fields for at least one pattern indicative of undesired e-mail messages. Barchi teaches that if an e-mail messages from a single sender exceeds an absolute threshold or percentage threshold that a flag is set that alerts monitoring functions and update lists of known types of undesired e-mail messages for filtering; therefore Barchi meets the scope of the claimed limitation (see col. 5, lines 36-54).

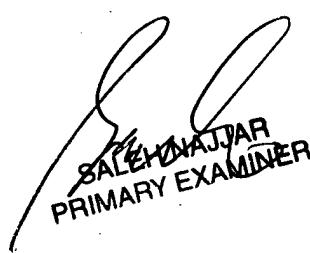
### **Contact Information**

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shawki S Ismail whose telephone number is 571-272-3985. The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free):

Shawki Ismail  
Patent Examiner  
August 31, 2005



SALEH MAJAR  
PRIMARY EXAMINER